

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
NE/S S. 50th St., 500 ft. +/- * ZONING COMMISSIONER
S of German Hill Road *
823 S. 50th Street * OF BALTIMORE COUNTY
12th Election District *
7th Councilmanic District * Case No. 95-50-A
Randall C. Sparkman, et ux *
Petitioners * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 823 S. 50th Street in the Dundalk section of Baltimore County. The Petition is filed by Randall C. Sparkman and Paula E. Sparkman, his wife, property owners. Variance relief is requested from Sections 400.3 and 101 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing garage with a 19 ft. height and larger than the principal dwelling, in lieu of the requirements that same be a maximum height of 15 ft. and smaller than the principal dwelling, respectively. The subject property and relief requested is more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

Appearing at the public hearing held for this case was the property owner, Randall C. Sparkman. He was represented by James McAvoy, Esquire. Appearing as a Protestant was Steve Zaffifis.

Mr. Sparkman testified and presented the plan. The subject property is a rectangularly shaped lot located on south 50th Street, a deadend street. Access to South 50th Street is from German Hill Road to the north of the subject site. The property is approximately 55 ft. wide at the front property line. The rear property line is angled so that the depth of the property ranges from 181 ft. on the north to 230 ft. on the south. The rear property line is approximately 75 ft. in length. The site is

presently improved by an existing dwelling, a 24 ft. wide pool and the subject garage. The subject garage is located at the extreme rear of the property. The existing dwelling is approximately 30 ft. x 30 ft. in dimension and is smaller than the garage. The one story garage is tapered at the rear building line consistent with the property line. The garage is approximately 1,952 sq. ft. in area. It is 32 ft. wide and ranges from 49 ft. to 64 ft. in depth.

Mr. Sparkman testified that he has lived on the property for approximately 3 years. He owns several automobiles and recreational vehicles, including antique cars, a pickup truck and a 23 ft. boat and trailer. The height of the boat when situated on the trailer is 11-1/2 ft. The garage was built to store the cars and boat and provide other storage space. The block height of the garage is 12 ft. However, with the pitched roof, the total height is 19 ft. This is in excess of the 15 ft. allowed and the area of the garage is larger than the principal dwelling. Thus, the requested variances are necessary.

Mr. Sparkman testified that in addition to providing needed storage space, the garage would also allow for his vehicles and boat to be stored inside, out of sight of neighbors and away from the elements. He indicated that most of his neighbors do not object to the variances necessary to allow the garage to remain.

Mr. Zaffifis testified in opposition. He lives next door at 821 S. 50th Street. Fortunately, from his perspective, the garage is located on the far side of the Petitioners' property from his lot. Nonetheless, he believes that the garage is entirely too large for the property. He also testified on behalf of his brother, who owns a vacant lot which adjoins both properties to the rear. Mr. Zaffifis believes that the garage detri-

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mentally affects his view as well as that view from any structure which might be built on the vacant lot.

All variances must be adjudged in accordance with the requirements of Section 307 of the BCZR. Therein, it is provided that the Petitioner must establish that a practical difficulty would result if the variance relief were denied; that the relief granted will be consistent with the spirit and intent of the regulations; and that there will be no adverse effect on the surrounding locale. Based on the testimony presented, I am persuaded that the Petitioner has satisfied these requirements. Clearly, the garage must be the area and height designated in order to be of practical use to the Petitioner.

Nonetheless, I am also persuaded that certain conditions/restrictions should be attached to the relief granted. These restrictions are incorporated herein and are conditions precedent to the relief requested, pursuant to Section 26-127 of the Baltimore County Code.

First, I shall require that the Petitioner not conduct any commercial activities within the subject garage. The garage shall be used for residential storage purposes and not to support a service garage use or any commercial activity. There shall be no body shop type activities or similar work performed within the garage. Secondly, the garage may not be used for residential purposes; that is, the garage shall not contain any apartment unit or kitchen and bathroom facilities. Lastly, the photographs show that the garage does have a significant visual impact from the adjoining land to the rear. Moreover, there exists only a 3 ft. 8 inch setback from the garage to the rear property line. With the consent of the adjoining property owner, I shall require the Petitioner to plant a row of evergreens or similar trees along the rear property line to buffer

-3-

the garage. Owing to the narrow setback, it may be necessary for these plantings to be on the adjacent property, thus, the requirement that the adjacent property owner consent to this restriction. Moreover, the nature, number and height of the proposed trees shall be mutually agreed by the Petitioner and the adjoining property owner. If they are unable to reach an agreement on these issues, I will resolve their dispute, upon request, with input from the County's Landscape Architect.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of October, 1994 that a variance from Sections 400.3 and 101 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing garage with a 19 ft. height and larger than the principal dwelling, in lieu of the requirements that same be a maximum height of 15 ft. and smaller than the principal dwelling, respectively, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
3. There shall be no service garage work performed within the structure or on the subject property at any time.

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4. The Petitioners shall cause to be planted a row of evergreens or similar trees along the rear property line to buffer the adjacent site. The character, number and height of the aforementioned plantings shall be mutually agreed upon by the Petitioners and the adjacent property owners. Any disputes shall be settled by the Zoning Commissioner, upon request.
5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 6, 1994

James McAvoy, Esquire
6610 Tributary Street, Suite 210
Baltimore, Maryland 21222

RE: Case No. 95-50-A
Petition for Variance
Property: 823 South 50th St.
Randall C. Sparkman, et ux, Petitioners

Dear Mr. McAvoy:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
att:
cc: Mr. and Mrs. Randall C. Sparkman
Mr. Steve Zaffifis



Petition for Variance
to the Zoning Commissioner of Baltimore County

for the property located at 823 SOUTH 50TH ST
which is presently zoned DRS-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3 AND SECT. 101 (DEFINITION OF ACCESSORY STRUCTURE) TO PERMIT AN EXISTING GARAGE WITH A 19 FT. HEIGHT AND LARGER THAN THE PRINCIPAL DWELLING IN LIEU OF THE MAXIMUM HEIGHT OF 15 FT. AND SMALLER THAN THE PRINCIPAL DWELLING.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
TO BE DETERMINED AT HEARING.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City State Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

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(Type or Print Name)

ZONING DESCRIPTION
FOR
823 SOUTH 50TH ST.
ED 12 CD 7

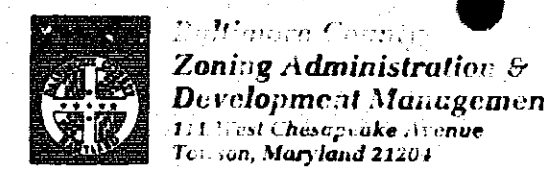
95-50-A
#60

BEGINNING AT A POINT ON THE EASTERMOST SIDE OF SOUTH 50TH ST.
(VARIABLE RW) AT A DISTANCE OF 500 FT. ± SOUTH OF GERMAN HILL RD
THENCE THE FOLLOWING COURSES AND DISTANCES, SOUTH 30° 34' WEST
180.73 FT., SOUTH NORTH 87° 09' W, N 39° 34' E 230.93 FT., THEN
S. 45° 07' E 60 FT. BACK TO THE POINT OF BEGINNING.
BEING .282 AC.

COPIES RECEIVED FOR FILING
10/10/94
BY [Signature]

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 12th Date of Posting 9/2/94
Posted for: Var.
Petitioner: Randall C. Sparkman and Paula E. Sparkman
Location of property: 823 S. 50th St., NE/8
Location of Sign: Along driveway on property being zoned
Remarks: _____
Posted by: Matthew Date of return: 9/2/94
Number of Signs: 1



Date 8/1/94

1 RES SIGN VAR. 010 \$50.00
1 SIGN POSTING. 080 \$35.00
TOTAL = \$85.00

CUMER: SPARKMAN
LOC 823 SOUTH 50TH ST.

03A0380417A1CHRC \$85.00
BA 0001:28FMOE-09-94
Please Make Checks Payable To: Baltimore County

Cashier Validation

receipt
95-50-A

Account: R-01-6150

Number 50
JLL

CERTIFICATE OF PUBLICATION

TOWSON, MD. 8/26, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/25, 1994.

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

A. Henrichsen

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 10:00 a.m. on Tuesday, September 20, 1994 at 10:00 a.m. in Room 118, Old Courthouse.

Case Number: 95-50-A (Item 50)
823 S. 50th Street
NE/8 S. 50th Street, 500' +/- S of German Hill Road
12th Election District - 7th Councilmanic
Petitioner(s): Randall C. Sparkman and Paula E. Sparkman
HEARING: TUESDAY, SEPTEMBER 20, 1994 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to permit an existing garage with a 19-foot height and larger than the principal dwelling in lieu of the maximum height of 15 feet and smaller than the principal dwelling.

LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County

NOTES: (1) HEARINGS ARE MANICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

TO: PETITIONER PUBLISHING COMPANY
August 25, 1994 Issue - Jeffersonian

Please forward billing to:

Randall C. Sparkman
823 S. 50th Street
Baltimore, Maryland 21222
284-7338

NOTICE OF HEARING

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Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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Baltimore County Government
Office of Zoning Administration
and Development Management



SEP. 07 1994

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Randall and Paula Sparkman
823 S. 50th Street
Baltimore, Maryland 21222

RE: Item No. 50, Case No. 95-50-A
Petitioner: Randall and Paula Sparkman

Dear Mr. & Mrs. Sparkman:

The Zoning Planning Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 9, 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby assumed zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e., 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Coordinator

WCR:ggg

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Carl Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 50

Petitioner: RANDALL C. SPARKMAN

Location: 823 S. 50TH ST.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: RANDALL C. SPARKMAN

ADDRESS: 823 S. 50TH ST.

BALTO. MD. 21222

PHONE NUMBER: 284-7338

At: ggg

(Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

AUGUST 19, 1994

NOTICE OF HEARING

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Carl Jablon
Arnold Jablon
Director

cc: Randall and Paula Sparkman

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE MANICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Gwen Stephens, ZADM

DATE: August 26, 1994

FROM: Jeffrey Long
Office of Planning & Zoning

SUBJECT: Zoning Advisory Comments

Please be advised that additional time is required to review the following Petitions:

ITEM NOS. 41, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, and 61.

Please contact me if you have any questions or require additional information.

Jeffrey Long
Jeffrey Long

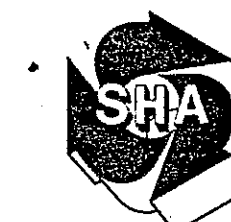
JL:bjs

RECEIVED

AUG 29 1994

ZADM

STEPHENS, JL/PZONE/ZAC1



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 50 (JLL)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

